

COUNCILLORS, AM & MP OBJECTIONS & PETITIONS (FOR & AGAINST)

COMMITTEE DATE: 21/11/2018

APPLICATION No. **18/01028/MJR** APPLICATION DATE: 11/04/2018

ED: **PENTWYN**
APP: TYPE: Full Planning Permission
APPLICANT: MR J PATEL
LOCATION: 56 WERN GOCH WEST, LLANEDEYRN, CARDIFF, CF23 7AB
PROPOSAL: PROPOSED DEMOLITION OF EXISTING SHOP AND 56 WERN GOCH WEST AND ERECTION OF NEW BUILD DEVELOPMENT TO FORM 11 FLATS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - P555 L_002 Revision B (SITE PLAN AS PROPOSED)
 - P555L_201 Revision A (GROUND FLOOR PLAN AS PROPOSED)
 - P555L202 Revision A (1ST FLOOR PLAN AS PROPOSED)
 - P555L203 Revision A(2ND FLOOR PLAN AS PROPOSED)
 - P555L204 (3RD FLOOR PLAN AS PROPOSED)
 - P555L210 Revision B (ELEVATIONS 1 OF 2 AS PROPOSED)
 - P555L211ELEVATIONS 2 OF 2 AS PROPOSED

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development in accordance with Policy En10 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of the potential disposal of surface water via sustainable means. Where a sustainable drainage scheme is to be provided the submitted details shall:
 - i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measure taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. Include a period for its implementation; and
 - iii. Provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure disposal of surface water via possible sustainable means in accordance with Policy EN10 of the adopted City of Cardiff Local Development Plan (2006-2026).

5. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the north and east elevations other than those hereby approved.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

7. The window(s) on the north elevation shall be non opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. Prior to beneficial occupation details showing the provision of cycle parking spaces and bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking and bin storage spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles and bin storage in accordance with Policies T5 and W2 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for:
- a) access
 - b) the parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development
 - e) the erection and maintenance of security hoardings
 - f) wheel washing facilities
 - g) measures to control the emission of dust and dirt during construction
 - h) a scheme for recycling/disposing of waste resulting from construction works
 - i) details of the protection of the adjoining public highway and its making good should it be damaged during construction works.

Reason: In the interests of highway safety, public amenity and to avoid any conflict situations with residents and/or staff residing/working on this site in accordance with policies T5, T6 and EN13 of the adopted Local Development Plan (2006-2026).

10. The development shall be constructed in accordance with the submitted arboricultural survey report dated 23rd March 2018.

Reason: To ensure trees of amenity value are retained in accordance with Policy EN8 of the adopted Cardiff Local Development Plan (2006-2026).

11. No development shall take place until floor slab details have been submitted to and approved in writing with the Local Planning Authority. The submitted details shall include but not limited to a cross section with existing and proposed spot heights of the site showing finished floor levels of all the floors.

Reason: To ensure the development does not have a detrimental impact upon the adjoining neighbours in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026)

RECOMMENDATION 2: R1 Construction Site Noise

RECOMMENDATION 3: R4 Contamination and Unstable Land Advisory Notice

RECOMMENDATION 4: The applicant is advised that an element of the application site is located within part of the adopted highway and no work shall be undertaken until adopted highway has been extinguished through a stopping up order.

RECOMMENDATION 5: Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and

shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application was presented at the 17th October, 2018 Planning Committee, where it was resolved to defer the application for a site visit. The site visit took place on 12th November, 2018.
- 1.2 Full planning permission is sought to demolish the existing extended single storey shop and replace with an 'L' shaped 3/4 storey block of flats.
- 1.3 There will be, on the lower ground floor, 6 car parking spaces along with bin and cycle storage. Access to these areas would be via the existing cul-de-sac located to the rear of the application site. In addition, there will be internal access for all the flats to access this area. Also proposed is a safe and secure amenity area that is accessible to all.
- 1.4 Access to the site would be via entrances located on the south, west and north elevations
- 1.5 Amended plans have been submitted which off sets the first floor by approximately 1.78 metres from the side window of the adjoining property at no. 55 Wern Goch West.

2. **DESCRIPTION OF SITE**

- 2.1 The building currently occupying the site is single storey in scale, of an octagonal form, with single storey wings either side. The building currently functions as a shop. Parking and deliveries are to the rear of the building which is sited lower than the shop.
- 2.2 Surrounding the building is a patio area and mature trees. To the north and east of the site are two-storey residential properties. Abutting the site are a number of adopted footpaths that link into the wider estate.
- 2.3 The ground slopes upwards across the site in both a northerly and westerly direction.
- 2.4 The site is not located within a conservation area/flood risk zone. No Listed buildings or protected trees are affected by this proposal.

3. **SITE HISTORY**

- 3.1 98/00019/N- proposed first floor extension - approved

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- putting people, and their quality of life now and in the future, at the centre of decision-making;*
- taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- Promote access to employment, shopping, education, health, community facilities and green space*
- Foster improvements to transport facilities*
- Foster social inclusion.*
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*

- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, to improve the quality of life, and protect local and global ecosystems.*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.2 Technical Advice Notes (TANs):

5	Nature Conservation and Planning
6	Planning for Sustainable Rural Communities
11	Noise
12	Design
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP16	Green Infrastructure
KP18	Natural Resources
EN8	Trees, Woodlands and Hedgerows
EN10	Water Sensitive Design
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
C3	Community Safety/Creating Safe Environments
W2	Provision for Waste Management Facilities in Development

4.4 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Tall Buildings (January 2017)
Cardiff Infill Sites (November 2017)
Location Waste Management Facilities (January 2017)
Managing Transportation Impacts (April 2008)
Planning for Health and Well-being (November 2017)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation : Having regard to the submitted information and highways assessment raises no objection, subject to parking conditions. An informative should be imposed highlighting that some of the land forms part of the adopted highway and that works should not be undertaken until a stopping up order has been confirmed.
- 5.2 The Operational Manager, Environment (Contaminated Land) : No objections.
- 5.3 The Council's Tree Officer : Based upon the submitted tree report, has no objections.
- 5.4 The Operational Manager, Waste Management : No objection subject to a bins storage area condition.
- 5.5 The Operational Manager, Drainage Division : Requests drainage conditions.
- 5.6 The Operational Manager, Parks and Sport : No objection subject to POS contribution of £24,382.41.
- 5.7 The Housing Development (Enabling) Team : No objection subject to a financial contribution of £217,500.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Dwr Cymru Welsh Water : No objection subject to a condition requesting drainage details.
- 6.2 The South Wales Police Crime Prevention Design Advisor : No objections.

7. **REPRESENTATIONS**

- 7.1 Neighbouring properties have been notified and a site/press notice has also been issued in accordance with procedure. 23 letters of representation have been received all objecting to this application on the following grounds:
- Parking is limited within the area; this proposal would make the existing situation worse. One resident requires continuous access to their property for ambulances due to personal circumstances and another elderly lady requires

- access to her property due to mobility issues;
 - The development is out of character with the area. Whilst there are 3/4 storey blocks of flats these stand alone and therefore do not impact upon the 2 storey housing;
 - The development would significantly impact upon the light that residents would receive into their properties;
 - The development would result in a loss of privacy for the existing residents;
 - The proposal would result in the loss of views
 - The proposal would result in the loss of the retail unit which is a life line for the community;
 - The proposed development would have a negative effect upon the surrounding environment;
- 7.2 Local Members have been notified. All 4 Ward Councillors object and all wish to speak at the Planning Committee meeting. Their objections can be summarised as follows:
- The design is out of character with the area and therefore contrary to Policy KP5 of the adopted plan;
 - Overdevelopment of the site;
 - Reduction of light, and an increase in noise on nearby residents;
 - The development would result in the loss of privacy for the existing residents;
 - The development would result in the loss of open views;
 - The development would result in the loss of house value;
 - The development would result in the loss of access to the bus stop
- 7.3 Jenny Rathbone, Assembly Member Cardiff Central, objects to this application on the following grounds:
- Overdevelopment and out of character with the area;
 - Reduction of retail amenities;
 - Deficient Car Parking & Cycle facilities ;
 - Impact upon trees;
- 7.4 Jo Stevens, Member of Parliament for Cardiff Central, objects to this application on the following grounds:
- Would result in a loss of light and privacy to the existing residents;
 - Out of character with the area;
 - The parking provision is insufficient for the proposed development;
 - Loss of the shop would have an impact on a number of elderly residents who consider it their 'lifeline'
 - Request that the planning committee undertake a site visit
- 7.5 A petition of 131 signatures objecting to this application on overdevelopment and negative impact on the quality of life of residents has been received.
- 7.6 A petition of 77 signatures in support of the application has also been received.

8. **ANALYSIS**

8.1 Key material planning considerations are the:

- I) Principle of development;
- II) Impact upon the character of the area
- III) Impact upon neighbouring properties
- IV) Impact upon the future occupiers
- V) Impact upon parking and highway provision
- VI) Impact upon protected species
- VII) Planning obligations
- VIII) Other matters raised

8.2 Principle of development

The site is located within the settlement boundary as defined by the LDP Proposals Map. The site has no specific designation or allocation and falls within a residential area and outside of any designated district or local centre identified for retailing. The existing retail use is afforded no protection in terms of land use policy and therefore its loss cannot be resisted in policy terms.

The proposal for residential in a residential area is acceptable, subject to design and amenity considerations outlined below.

The area is characterised by two storey housing of a “Radburn” layout, which is a typical form of housing development in this area of Cardiff. To the west of the application is a cluster of 4 storey flats with associated parking and landscaping. It is considered that given the context of the area the proposed scale, massing and siting would not be out of character within the area. The use of two types of brick and the top level of grey cladding are considered to complement the character of the area.

The development would be visible from the adjoining roads of Glyn Coed Road and Circle Way West, but would be seen in the context of the existing flats and trees and is considered not to represent an incongruous feature.

It is considered that the proposal would accord with Policy KP5 of the adopted Local Development Plan which seeks, amongst other matters, development to respond to the character of the area.

8.4 Impact upon neighbouring properties

The Council’s Infill Sites SPG introduces a number of residential design considerations, namely: an assessment for ambient light, a minimum of 10.5 metres between developments and adjacent gardens, and 21 metres between windows at upper floors to ensure acceptable privacy. The proposal has been assessed against the above criteria and accords with adopted policy and therefore, it is considered that the proposal would not, on balance, and subject to the recommended conditions, result in any demonstrable loss of light or privacy.

In terms of the development representing an overbearing or unneighbourly form of development, the siting of the building and the degree of separation of the 4 storey element from the existing residential properties (approximately 30 metres away from the terrace properties to the north and 12 metres from the property at no. 56 Wern Goch West) would ensure that the proposal would not represent an overbearing or unneighbourly form of development, and therefore it is considered to accord with Policy KP5 and advice with the adopted 'Infill sites' SPG.

The property at no 55 Wern Goch West benefits from a side window that faces and opens over the application site. This window serves a non-habitable room and as a result cannot be afforded any protection under the planning system. However, the applicant has submitted amended plans, which allows the neighbour to open their window and will afford some light into the room.

8.5 Impact upon the future occupiers

The proposed size and internal floor space are considered appropriate to the proposed occupancy of the flats. The proposed access to cycle/waste storage and amenity areas have been designed and located to the benefit of all the future occupiers. All the flats are considered to benefit from natural light and would benefit from an open outlook. Having regard to the above, it is considered that the proposed design accords with Policy KP5 and advice contained in the council's 'Infill sites' and 'Health and Well-being' SPGs.

8.6 Impact upon parking and highway provision

Based upon the concerns expressed by residents over the proposed parking provision, the agent has undertaken survey work to assess the impact of the proposal upon the area. The Council's Transportation Section has reviewed the development and submitted details and concludes there are no highway safety objections to this scheme. Therefore, it is considered that the proposal accords with Policies T5 & T6 which seeks development not to impact upon the transport network.

In terms of parking provision, the recently adopted parking standards now sets maximum parking provision, this scheme's parking provision is at the maximum allowable level under the parking standards, and is therefore policy compliant.

It is also worth noting that a bus stop is sited on Glyn Coed Road which is located approximately 87 metres away from the development.

8.7 Impact upon existing trees

The trees surrounding the application site are owned by the Council and have been assessed by the applicant, the submitted tree assessment concludes whilst some limited pruning will be required; the proposal would not have an adverse effect upon the trees. The submitted report has been assessed by the Council Tree Officer who raises no objection to this scheme

8.8 Other issues raised by objectors, not covered above:

- 8.8.1 Concern over noise from the additional residents is noted, but such noise is not uncharacteristic within a residential area and therefore it would be unreasonable to refuse on such grounds.
- 8.8.2 The planning system regulates development in the public interest, the loss of a view is a private interest and cannot be controlled through the planning system.
- 8.8.3 The proposal would not affect any of the adopted highway and would not deny residents their ability to access the bus stop.
- 8.8.4 The element of the land that forms part of the public highway has been enclosed for approximately 20 years and is in a poor state. It is noted that there is a due process that must be met i.e. stopping up order, which will be considered by Welsh Government. However that does not preclude the Local Planning Authority to determine this application and note there is no objection from the Council's Highway Section to this proposal.

8.9 Conclusion

National and local policies support the efficient use of brownfield sites, such as the application site. The siting, scale massing and use of materials are considered to accord with Policy KP5 of the adopted Local Development Plan and advice contained within the Council's approved SPGs. There are no objections from statutory consultees to the proposal and the proposed parking provision is in accordance with the approved parking standards.

9. **SECTION 106 AGREEMENT**

- 9.1 Policy H3 (affordable housing) requires 20% affordable housing on site or a financial contribution in lieu of onsite provision. The Council's Housing Strategy Officer has calculated this to be **£217,500**

Policy C5 (Provision for open space, outdoor recreation, children's play and sport requires on site provision, but where this cannot be accommodated on site, a financial provision would be sought. The formula for calculating the amount is set within the approved Planning Obligations SPG, amounting to **£24,382.41**.

Having regard to the legal tests set within the CIL Regulations and W/O circular 13/97, the above requests meet those tests and are necessary to make the development policy compliant.

The agent has confirmed that they are willing to sign the S106 for the above amounts.

10. **RECOMMENDATION**

- 10.1 Subject to the applicant entering into a S106 Agreement as described in Section 9 above, and the recommended conditions, that planning permission be granted.

OTHER CONSIDERATIONS

Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010 – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic

Well-Being of Future Generations Act 2016 – In reaching this decision the Council has taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.